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## FISCAL IMPACT REPORT

ORIGINAL DATE 1/24/07

SPONSOR Rep. Trujillo LAST UPDATED \_\_\_\_\_ HB 124

SHORT TITLE Allow Removal of Partially Consumed Wine SB \_\_\_\_\_

ANALYST E Ortiz

### APPROPRIATION (dollars in thousands)

Appropriation		Recurring or Non-Rec	Fund Affected
FY07	FY08		
	NFI		

(Parenthesis ( ) Indicate Expenditure Decreases)

### SOURCES OF INFORMATION

LFC Files

#### Responses Received From

Attorney General's Office (AGO)

Department of Public Safety (DPS)

### SUMMARY

#### Synopsis of Bill

House Bill 124 would allow customers to remove a partially consumed bottle of wine from the premises of the liquor licensee if the wine was purchased with a full-course meal and the licensee seals the bottle with a cork and in a tamper proof bag and attaches the receipt. If the wine is transported in a motor vehicle, the customer must comply with the open container law (NMSA Section 66-8-138).

### SIGNIFICANT ISSUES

According to the Attorney General's office, a regulation adopted by the Regulation and Licensing Department, Alcohol and Gaming Division prohibits the provision for consumption off-premises, or removal of open containers of alcoholic beverages from a licensed liquor establishment. NMAC 15.10.51.9. This bill would overrule that regulation with respect to open wine bottles purchased with meals.

**ADMINISTRATIVE IMPLICATIONS**

HB-124 would require a re-write of New Mexico Liquor Regulation Section 15.10.51.9 NMAC (Open Container Restrictions)

A. No one shall provide a person with an open container of alcoholic beverage for consumption off the licensed premises or permit removal of an open container from the licensed premises.

B. No person shall remove an open container of an alcoholic beverage from a licensed premise.

**OTHER SUBSTANTIVE ISSUES**

Proposed change would allow restaurant licensees to sell wine for off-premise consumption. Currently only full dispensers, retailers, winegrowers, and microbrewers can sell for off-premise consumption.

**WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL**

When two or more patrons purchase a bottle of wine for on-premise consumption, any wine not consumed on-premise will be discarded.

EO/mt